

through the center at right angles to a line running from the stem to the blossom end.

(c) *Catfaces*. These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and greater in area than a circle $\frac{3}{8}$ inch in diameter on a $2\frac{1}{2}$ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas, provided that such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a $2\frac{1}{2}$ inch tomato.

(d) *Growth cracks*. These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomato when not well healed, or when more than $\frac{1}{2}$ inch in length measured from the margin of the stem scar; except that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(e) Scars (except catfaces), when dark colored and shallow and aggregating more than $\frac{1}{4}$ inch in diameter on a tomato $2\frac{1}{2}$ inches in diameter, or lighter colored shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar $\frac{1}{4}$ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a $2\frac{1}{2}$ -inch tomato. A scar which penetrates the wall of the tomato shall be considered as damage.

(f) Dry rot such as dry type *Macrosporium* or *Phoma*, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than $\frac{3}{16}$ inch in diameter.

§51.1912 Badly misshapen.

Badly misshapen means that the tomato is so badly deformed that its appearance is seriously affected.

§51.1913 Serious damage.

Serious damage means any defect which seriously affects the appearance, or edible, shipping, or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Soft ripe tomatoes or tomatoes affected by the soft rot.

(b) Fresh holes or cuts, or any holes or cuts through the tomato wall, or healed cuts which seriously affect the appearance of the tomato.

(c) Tomatoes showing any effects of freezing.

(d) Puffiness which causes the tomato to be distinctly light in weight.

(e) Growth cracks, when not well healed, or when so extensive, deep or discolored that the appearance of the tomato is seriously affected.

(f) Scars (except catfaces), when dark colored and shallow and aggregating more than $\frac{1}{2}$ inch in diameter on a tomato $2\frac{1}{2}$ inches in diameter, or lighter colored, shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar $\frac{1}{2}$ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a $2\frac{1}{2}$ -inch tomato.

(g) Dry rot such as dry type *Macrosporium* or *Phoma*, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than $\frac{1}{4}$ inch in diameter.

(h) Fruit actually infested with worms.

Subpart—United States Standards for Grades of Filberts in the Shell ¹

SOURCE: 35 FR 11453, July 17, 1970, unless otherwise noted. Redesignated at 42 FR 32514.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and

Continued

§ 51.1995

7 CFR Ch. I (1-1-01 Edition)

June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADE

§ 51.1995 U.S. No. 1.

“U.S. No. 1” consists of filberts in the shell which meet the following requirements:

- (a) Similar type; and,
- (b) Dry.
- (c) Shells:
 - (1) Well formed; and,
 - (2) Clean and bright.
 - (3) Free from:
 - (i) Blanks; and,
 - (ii) Broken or split shells.
 - (4) Free from damage caused by:
 - (i) Stains; and,
 - (ii) Adhering husk; or,
 - (iii) Other means.
- (d) Kernels:
 - (1) Reasonably well developed; and,
 - (2) Not badly misshapen.
 - (3) Free from:
 - (i) Rancidity;
 - (ii) Decay;
 - (iii) Mold; and,
 - (iv) Insect injury.
 - (4) Free from damage caused by:
 - (i) Shriveling; and,
 - (ii) Discoloration; or,
 - (iii) Other means.
- (e) Size: The size shall be specified in connection with the grade in terms of minimum diameter, minimum and maximum diameters, or in accordance with one of the size classifications in Table I.

TABLE I

Size classifications	Maximum size—Will pass through a round opening of the following size	Minimum size—Will not pass through a round opening of the following size
Round type varieties:		
Jumbo	No maximum	5 ⁵ / ₆₄ inch.
Large	5 ⁶ / ₆₄ inch	4 ⁹ / ₆₄ inch.
Medium	4 ⁹ / ₆₄ inch	4 ⁵ / ₆₄ inch.
Small	4 ⁵ / ₆₄ inch	No minimum.
Long type varieties:		
Jumbo	No maximum	4 ⁷ / ₆₄ inch.
Large	4 ⁸ / ₆₄ inch	4 ⁴ / ₆₄ inch.
Medium	4 ⁵ / ₆₄ inch	3 ⁷ / ₆₄ inch.
Small	3 ⁵ / ₆₄ inch	No minimum.

(f) Tolerances: In order to allow for variations incident to proper grading

Cosmetic Act or with other applicable State laws and regulations.

and handling, the following tolerances, by count, are permitted as specified:

- (1) *For mixed types.* 20 percent for filberts which are of a different type.
- (2) *For defects.* 10 percent for filberts which are below the requirements of this grade: *Provided*, That not more than one-half of this amount or 5 percent shall consist of blanks, and not more than 5 percent shall consist of filberts with rancid, decayed, moldy or insect injured kernels, including not more than 3 percent for insect injury.
- (3) *For off-size.* 15 percent for filberts which fail to meet the requirements for the size specified, but not more than two-thirds of this amount, or 10 percent shall consist of undersize filberts.

APPLICATION OF STANDARDS

§ 51.1996 Application of standards.

(a) The grade of a lot of filberts shall be determined on the basis of a composite sample drawn from containers in various locations in the lot. However, any container or group of containers in which the filberts are obviously of a quality, type or size materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

(b) In grading the sample, each filbert shall be examined for defects of the shell before being cracked for kernel examination. A filbert shall be classed as only one defective nut even though it may be defective externally and internally.

DEFINITIONS

§ 51.1997 Similar type.

Similar type means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.1998 Dry.

Dry means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 10 percent moisture.